

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**BENNINGTON FOODS, LLC, d/b/a
BENNINGTON GROUP,**

Plaintiff,

2006-CV-0154

v.

**ST. CROIX RENAISSANCE GROUP, LLLP,
a U.S. Virgin Islands corporation,**

Defendant.

**TO: Lee J. Rohn, Esq.
Joel H. Holt, Esq.**

ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL

THIS MATTER came before the Court for consideration upon Plaintiff's Motion to Compel Depositions of Jack Thomas and Myron Allick (Docket No. 201). Defendant filed an opposition to said motion. A hearing was held on January 21, 2009. Kimberly L. Boldt, Esq., appeared on behalf of Plaintiff. Joel H. Holt, Esq., represented Defendant.

The depositions at issue were authorized by District Judge Finch in his Order (Docket No. 164) reversing the undersigned's order denying Plaintiff's motion to modify pre-trial schedule for the limited purpose of conducting depositions and requesting certain documents. Defendant does not oppose the depositions themselves; rather, Defendant contends that all written discovery should be completed prior to the taking of the depositions.

This Court has previously held that "unless ordered or agreed otherwise, methods of discovery may be used in any sequence." *Simmons v. American Airlines, Inc.*, Civil No. 1996/0076,

Bennington Foods, LLC. v. St. Croix Renaissance Group, LLLP
2006-CV-0154
Order Granting Plaintiff's Motion to Compel
Page 2

2003 WL 22768258 *1 (D.V.I. Nov. 7, 2003). Where, as here, it is not readily apparent, and Defendant has not demonstrated, that the outstanding discovery is crucial to the deponents' preparation for the depositions, nothing requires the written discovery to be fully completed prior to the taking of such depositions.

Having reviewed the submissions of the parties and heard the arguments of counsel, the Court finds that Plaintiff is entitled to have the depositions go forward as agreed by the parties during the second week of February 2009.

WHEREFORE, it is now hereby **ORDERED**:

1. Plaintiff's Motion to Compel Depositions of Jack Thomas and Myron Allick (Docket No. 201) is **GRANTED**.
2. The depositions of Jack Thomas and Myron Allick may be noticed for the dates and times agreed to by the parties for the second week of February 2009.

ENTER:

DATED: January 21, 2009

/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE